

HIS WILL SET  
ASIDE BY LAWEstate of Peter Johnson in the  
Circuit Court.

## WATER STOCK DISPOSED OF

HE WANTED ALL TO GO TO HIS  
SON AND STEPSON.

The question as to whether or not thirty-nine shares of water stock, valued at \$25 per share, belonged to the estate of Peter Johnson, deceased, or to the widow, personally, occupied the greater part of Judge Hall's attention yesterday. A good many years ago, Peter Johnson married a widow, who, a short time later, gave birth to a son by her first husband. At a still later date, another son was born to Mrs. Johnson. Johnson appeared to view both the children in the same light, and when upon his deathbed told his closest friend, Amos E. Hansen, that he desired to leave all of his property, consisting mainly of a farm in South Jordan, to the two boys.

Shupler, according to his testimony before Judge Hall yesterday, drew a transfer of the property to the wife instead of the children, and Johnson signed it by his own mark just before his death, and without having it read to him. The thirty-nine shares of water stock, however, were not mentioned in the transfer, and recently a question has arisen as to whether it went with the land or was a part of the estate.

The moving party in the matter is the natural son of Johnson, who is the only heir at law aside from the widow. The son also complained that certain other personal property had not been inventoried, and Joseph Oberndorfer, the administrator, was ordered to show cause why it had not been included.

Mr. Oberndorfer confessed in court yesterday that he had never visited the farm and did not know anything about the personal property aside from the water stock except what he had been told. As to the water stock, however, he took the ground that it went with the land, and belonged to Mrs. Johnson.

It came out during the hearing that Mrs. Johnson had hypothesized the stock to F. E. McGurkin. She had also mortgaged the land, and recently charged W. S. Arnold, her attorney, with the embezzlement of a greater portion of the proceeds.

## WANTS BIG DAMAGES.

A. D. McGuire Sues James Higney  
and J. R. Foulks For \$10,127.50.

A. D. McGuire filed a \$10,127.50 damage suit against James Higney and John R. Foulks in the third district court yesterday for alleged false imprisonment. McGuire complained that on Dec. 6, 1901, the defendants, charged with the embezzlement of a greater portion of the proceeds of the water stock, had taken him to the county jail, and kept him there after which he was released upon his own recognizance.

He also set out that the charge and arrest were published in The Herald-Tribune, and that the publications were through the procurement of the defendants.

On Jan. 6, 1902, it is further alleged, the case was dismissed by the county attorney, neither of the defendants appearing to prosecute. In conclusion McGuire says that he lost his position with the Rio Grande Western as a result of his share in the case, and has been disgraced and humiliated by his damage in the sum demanded.

Mr. Foulks said yesterday afternoon that he had nothing whatever to do with the arrest of McGuire. According to Mr. Foulks' statement he had loaned McGuire \$200 with which to bring his wife to Utah.

Mr. Foulks says he was told that McGuire was preparing to leave the city. He then went to the Albany hotel to inquire after McGuire, and learning there that he was expected to leave the city Mr. Foulks went to the depot to locate him. There Mr. Foulks met James Higney, who was also on the lookout for McGuire, and after the going rang for the departure of the train McGuire came out from the west side of the track and was stopped by Higney, who made him pay \$10 on account of his board bill at the Albany.

McGuire then went away on the train and later Higney swore to a complaint against him and was brought back to the city by the sheriff. Mr. Foulks says he had nothing whatever to do with the proceedings taken by Higney.

## In the Divorce Court.

Rose Ann Poll was granted a decree of divorce from Frederick R. Poll by Judge Hall yesterday upon the report of Deputy Clerk Eldredge, who heard the testimony. The parties were married thirty years ago and the testimony showed that Poll had failed to support his wife for more than a year past. Under an agreement between the parties there was a division of the property, which consists of real estate and household goods.

In the case of Maggie Hoagland against Frank Hoagland, in which the plaintiff, the former wife of the defendant, sought to set aside a decree of divorce secured by Hoagland in Colorado, Judge Hall yesterday rendered judgment in favor of Hoagland. This was the second trial of the case, the former judgment also having been in favor of the defendant.

May Brookbank is weary of married life and yesterday filed an action for divorce against her husband, Sam Brookbank, a Rio Grande Western fireman. Mrs. Brookbank says she is 22 years of age and that her husband is 40. The marriage took place in this city in February, 1898, and Mrs. Brookbank complains that her husband has not supported her for some time past.

## Court Notes.

In the case of the Commercial National bank vs. H. P. Mason, judgment has been entered in favor of the plaintiff for \$4,886.77 with \$150 as attorney's fees.

Rosalind Hewitt, Irwin F. Perry and William Lindstrom, charged with conspiracy, entered pleas of not guilty in the criminal division of the third district court yesterday.

Arguments were heard by Judge Stewart yesterday in the case of Robert K. Smith vs. Michael E. Gibbons et al., and the matter was taken under advisement. The case is one to quiet the title to property at Bingham.

Judge Hall has granted a decree for the plaintiff in the divorce case of Mary J. Davis vs. James H. Davis. Failure to support was the ground upon which the decree was entered.

R. Y. Golding took the oath of office and filed his bond as deputy constable for the Fourth precinct yesterday in the county clerk's office. The bond is

for \$500 and the United States Fidelity &amp; Guaranty company is surety.

George W. Keel, receiver of the Buttefield Mining company, filed a petition in court yesterday asking that he be allowed to sell certain concentrates at the company's mill. The petition was granted by Judge Hall.

Chine filed a petition in the probate division of the third district court yesterday asking the probate of the will of Israel Lipsitz, who died in this city on Dec. 13, 1901. The estate is valued at \$1,100, and is bequeathed to various relatives of the deceased.

## DEATH OF MRS. COOP.

Mother of Well Known Musician Succumbs to Heart Disease.

Mrs. Martha Hurst Coop, mother of Squire Coop, one of Salt Lake's most talented musicians, passed away at her home in this city yesterday morning of heart trouble. Mrs. Coop has been sick for some weeks past, but her condition was not thought to be serious until a few days ago. Word was sent immediately to Squire Coop, who was in Berlin pursuing his musical studies, and he started home. The news of the death of his mother was a great shock to him, and he arrived in this city yesterday and Mr. Coop will not learn of it until he reaches that place.

Mrs. Coop has been a resident of Salt Lake only two years, but she lived in Ogden many years and is well known there. She was born in Yorkshire, England, about sixty-nine years ago and came to this country in 1833, bringing Squire Coop with her. She settled in Ogden and lived there until two years ago. Mrs. Coop has a daughter living in this city and two living in Idaho. All were present with her at the time of her death. The remains will be shipped to Ogden for burial next Sunday.

## INSURANCE NO HIGHER

Increase in Fire Rates is Not

Expected in the

West.

In the opinion of local underwriters, there will be no general increase in insurance rates within the department of the Pacific, which includes all points in Utah and Idaho. According to yesterday's predictions, an advance has been determined upon in Chicago, on account of excessive fire losses last year, in some cases in the non-preferred class amounting to 10 per cent. The knowledge of this led some insurance agents in this city to believe that an advance in rates applicable to local risks would be announced soon. However, prominent agents are of the opinion that nothing of the sort is contemplated for this district, but only the headquarters at San Francisco has authority to raise rates.

H. E. Parkhurst, the local manager, is expected to return from the coast in ten days, and until he comes no one here can make an authoritative announcement. It was stated last evening by one of the leading agents that the only increase in rates he had heard proposed was about six weeks ago, when it was recommended by Manager Parkhurst that unless the city administration further improved the water distributing system and purchased an additional fire engine the premium on local risks be increased. The administration has promised to make these improvements and there is now small likelihood that local rates will be disturbed on this account.

## FEES ARE \$77,739.95.

Corporations Pay This Amount  
to the State in  
1901.

Secretary of State James T. Hammond is proud of the record made by the state during the year just closed, as to the collection of fees. At the first of the year Secretary Hammond reported that the state had collected \$75,000 during the year he would be satisfied. The fees, however, exceeded that amount by \$2,739.95, the total being \$77,739.95, and the secretary is more than satisfied. Among the fees paid by corporations in excess of \$2,500 is the result of the bill passed by the last legislature which eliminated the provision fixing the maximum at \$2,500 and provided that corporations should pay 25 cents per \$1,000 on their capital stock, regardless of the amount.

## More Accommodations.

"The World's Fair Line," that is, the Missouri Pacific railway, in connection with the Denver & Rio Grande, Rio Grande Western and Southern Pacific railways, has put on a weekly tourist car line between St. Louis and San Francisco. First car leaves St. Louis Tuesday, Dec. 24, arriving at Salt Lake Thursday morning, Dec. 26. The first car eastbound leaves San Francisco Wednesday morning, Dec. 30; Salt Lake Wednesday afternoon, arriving at St. Louis at 7:10 a. m., Friday, Jan. 2.

These cars are first-class tourist cars. Both first and second-class tickets will be honored in these cars. Berth rate to Kansas City, \$3; St. Louis, \$4. Quick time. Dining car service will be inaugurated early in next year. Only one change between Salt Lake City and principal points east.

Ticket office, No. 102 Dooly block.

## Mrs. Bennion's Funeral.

The funeral of Mrs. Esther Bennion, the wife of the first settler of Taylorsville, who died a few days ago, was held from the Taylorsville meeting house yesterday afternoon. The services were largely attended and the deepest grief was expressed at the loss of one who had for so long been one of the beloved characters of the little town. Many beautiful flowers were the silent tributes of love and respect of friends left behind. The funeral services were conducted by Counselor Henry Hague and music was furnished by the ward choir. The opening prayer was given by Henry Naisbitt, and words of tribute to the deceased were spoken by Apostle Cowley, Frank Y. Taylor, Joseph E. Taylor and Henry Naisbitt. At the close of the services the remains were followed by many mourning friends to their last resting place in the city cemetery.

## Died of Heart Trouble.

Joseph C. Perry, an old resident of this city, died at his home on Center ward Wednesday of heart trouble. For some time past Mr. Perry has been a sufferer from heart trouble and his death, while it was a severe shock to his family, was not entirely unexpected. The deceased has been a resident of this city for the past thirty years and was well known among the older settlers. He was born in England seventy-one years ago. He leaves a wife and two adopted children to mourn his loss. The body will be shipped today from Watson's undertaking parlors to Farmington for burial.

TALE OF TRIP TO  
THE "LOST MINE"Hathenbrook Says He Visited  
Utah Gold Deposits.

## PILOTED BY YOUNGER RHODES

SAMPLES BROUGHT OUT OF  
WONDROUS RICHNESS.

If he chose to tell the secret which he claims to possess, F. W. C. Hathenbrook, an old resident of Provo, might reveal the location of a mountain of gold, the stories of the richness of which are almost as fabulous as those of Aladdin's lamp—in short, he might tell where the famous "Lost Mine" of the Utah reservation is.

From information given by Hathenbrook to a confidential friend it is believed that the famous mine is within the bounds of the proposed Utah land lease, which is causing such a stir among the officials, both in Utah and Washington at the present time. Hathenbrook claims to have visited the mine and exhibited nuggets of rich gold, which he claimed came from the mine, but for some reason he has guarded the secret of its location jealously and so far as known has made but one trip to the place.

The secret which Hathenbrook claims to possess is said to be known by a son of Caleb Rhodes, the finder of the mine, and a few Indians, but by no one else.

Several years ago Hathenbrook related the story of the finding of the mine and the story of a trip which he claimed to have made to it to a close friend and associate who lives in this city. In view of the agitation which is being caused by the Utah land lease and the proposition that the lost mine is to be worked by means of this lease, the story, as told by Hathenbrook, was given to a Herald representative yesterday by the person to whom it was related.

## How Rhodes Learned Secret.

"The location of the mine has long been known by the Indians," he said, "but the first white man to find it was 'Cal' Rhodes, a pioneer settler, who once had a lease on some mining property in the reservation, and who knew almost as much about the country as the Indians. He learned the secret from the Indians and on one occasion took his son with him to the mine. He always brought back plenty of gold after these trips."

"Hathenbrook told me that several years ago he induced this son to take him to the mine. He told me that he traveled from Vernal by a circuitous route, somewhere over towards the Colorado lake. They rode horseback and after traveling over mountains and through valleys, where the fallen wood was so thick they could hardly get their horses along, they finally arrived at the edge of a lake, or stream of water, the exact nature of which Hathenbrook would not explain to me. Here they left their horses, he said, and, lashing two logs together, rowed across the water to the other shore. Here, he said, they found a ledge of ore so rich that the gold could be separated simply by pounding the rock in a mortar, and nuggets could be picked up easily."

## Supply is Immense.

"There seemed to be an exhaustless supply of the gold, he said, and it was easy of access from the water. They stayed there, according to his story, two or three days, bailing no fire and remaining out of sight in the day time to prevent possible discovery. They then recrossed the lake and, cutting the logs apart, moved one down the bank a long distance, and the person who might chance upon the spot would find nothing to indicate that a raft had been used."

Hathenbrook came to see me and showed me some of the gold which he claimed to have gotten from the mine on that trip. The specimen which he showed me was a kind of agate quartz, rich with gold, that could be separated from the rock simply by breaking up the rock. He also showed me some nuggets of unusual size that he said came from the mine."

Where the Mine Is.

"He told me the mine was near the Colorado line, but inside of Utah, and that no one could get to it with safety, because the Indians were watching it. He said that the mine was in a company and open up the mine, he would hear to nothing of the kind and since that time has said nothing more to me about it."

He and this son of Rhodes are the only white men who claim to know the location of the mine, but from what I told me it could undoubtedly be located within the proposed Utah land lease, and some of those who are interested in that probably have discovered the secret."

## L. S. HILLS AT HEAD.

Elected President of Clearing  
House Association—Wells  
Manager.

The Salt Lake Clearing House association held its annual meeting yesterday. L. S. Hills was elected president, W. S. McCormick vice president, T. R. Jones secretary and treasurer. And these three, with J. E. Dooly and C. S. Burton, constitute the executive committee. Following the report of the clearing house for the year 1901 aggregated \$182,088.82, compared with \$120,796.25 for the preceding year. The large increase is accounted for in the report by the passing of checks in the clearing of the capital stock of the Utah Sugar company and the Co-op Wagon and Machine company, and to the very active and larger business reported by merchants and other commercial interests.

The report commends the work of the clerks of the clearing house for order and accuracy. During the year fees for the amount of \$119 were collected, mostly for tardiness in making at the appointed hour for striking balances.

## Funeral Notice.

All Macabees are requested to meet  
at the Ochs' hall at 2 p. m. to  
attend the funeral of Lady  
Rouch.

## Real Estate Transfers.

Anna Hallen to Sarah A. Mc-

Monachie, lots 41 and 42, block 1,

Hunter's subdivision, \$1,700.

James E. Turner to Thomas H.

Turner, lot 17, corner half of south-

west quarter section 23, township

11 N. and 12 E., \$1,000.

Theodore Brubaker to E. J. Huff, lots

11 and 12, block 3, Oakley subdivi-

sion, \$1,000.

Robert F. Alverson to Thomas H.

Turner, lots 13 and 14, and east 15

feet of lot 15, block 13, Coates &amp; C.

block 15, plat 4, \$1,000.

Thomas B. Margrett to Arthur B.

Margrett, 55 1/2 feet by 2 rods south-

west from northeast corner 1/4 sec.

block 15, plat 4, \$1,000.

Vawdrey, Jr., 14 acres northwest

quarter southeast quarter section

23, township 11 N. and 12 E., \$1,000.

John Hughes to Alice H. Theisman,

part of lot 8, block 1, Five-acre plat

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